

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MICHAEL ROSHANE DEMERY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 03-CV-675-JHP-SAJ
)	
RICK ISMAIL, Undersheriff of Creek County;)	
REESE LANE, Deputy Sheriff, Creek County)	
Jail; JOHN DOE; and JANE DOE,)	
)	
Defendants.)	

ORDER

This is a 42 U.S.C. § 1983 civil rights action. By Order filed October 7, 2003 (Dkt. # 3), the Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and directed Plaintiff to submit an initial partial filing fee payment of \$6.00 on or before November 6, 2003. Thereafter, the Court granted two (2) extensions of time. See Dkt. #s 5 and 11. The most recent deadline set by the Court for payment of the \$6.00 initial partial filing fee was February 12, 2004. See Dkt. # 11. As recently as June 7, 2004, Plaintiff corresponded with the Clerk of Court indicating the funds would be forthcoming. However, more than one (1) year has passed and Plaintiff has failed to submit the required payment.

Despite the Court's leniency, the deadline has now passed and the Clerk has not received the initial partial filing fee payment from Plaintiff. Plaintiff was advised that "failure to comply with this Order may result in the dismissal of this actions without prejudice and without further notice." See Dkt. # 11. As a result of Plaintiff's failure to pay the initial partial filing fee, this action shall be dismissed without prejudice.

ACCORDINGLY, IT IS HEREBY ORDERED that Plaintiff's civil rights complaint is **dismissed without prejudice** for failure to pay the initial partial filing fee in compliance with the Court's Order filed January 22, 2004.

SO ORDERED THIS 22nd day of August 2005.



James H. Payne
United States District Judge
Northern District of Oklahoma